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09/882,917	06/15/2001	Cary Lee Bates	ROC920010074US1	9773

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Gero G. McClellan  
Thomason, Moser & Patterson, L.L.P.  
Suite 1500  
3040 Post Oak Boulevard  
Houston, TX 77056-6582

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,917

Applicant(s)

BATES ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claims Status***

Claims 1-26 are pending. Claims 1-26 are rejected.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 10-15, 18-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No US 2002/0054126 issued to Gamon (hereafter Gamon) in view of US Pat No 6,044,387 issued to Angiulo et al (hereafter Angiulo).

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Claim 1:

Gamon discloses receiving a response containing the electronic document comprising at least two frames [Fig 10], rendering the electronic document for display [Fig 10].

Gamon discloses the essential elements of the claimed invention as noted above but fails to disclose automatically designating one of the at least two frames as a default search frame based on a pre-existing specification of the default search frame. Angiulo discloses automatically designating one of the at least two frames as a default search frame based on a pre-existing specification of the default search frame [Fig 9, steps 192, 196 and 198 open file N = 0, first file is opened, col 9, lines 15-25].<sup>1</sup> It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gamon to include automatically designating one of the at least two frames as a default search frame based on a pre-existing specification of the default search frame as taught by Angiulo for the purpose of providing a easily understandable starting point for the search. The skilled technician would have been motivated to modify Gamon per the above in order to initialize an automatic search of the content of the multiple frames.

Furthermore, Angiulo discloses wherein the designated default search frame of the displayed electronic document is available to a user for conducting a search of the searchable text contained in the designated default search frame and wherein, absent a command from the user to search a different one of the at least two frames, a user request to perform a search is, by default, automatically initiated in the designated default search frame [col 2, lines 30-35, spell-check or find and replace, col 9, lines 20-30]

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<sup>1</sup> Examiner interprets a default frame to be a first frame as disclosed by Angiulo.

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Claim 2:

The combination of Ramon and Angiulo discloses the elements of claim 1 as noted above and furthermore, Ramon discloses wherein the electronic document is a web page wherein the response is received from the Internet and wherein at least the automatically designating and rendering are performed by a browser [paragraph 32]

Claim 3:

The combination of Ramon and Angiulo discloses the elements of claim 1 as noted above and furthermore, Ramon discloses wherein automatically designating occurs one of before rendering and after rendering [Angiulo discloses before rendering, Fig 10]

Claim 4:

The combination of Ramon and Angiulo discloses the elements of claim 1 as noted above and furthermore, Angiulo discloses wherein automatically designating occurs without an explicit selection of the default search frame by a user [col 9, lines all files option selected, block 192 Fig 9 builds a list of all files on the web site, block 198 begins opening the files, col 9, lines 1-10]

Claim 5:

The combination of Ramon and Angiulo discloses the elements of claim 1 as noted above and furthermore, Ramon discloses parsing the response to locate a default search frame identifier [FRAMESET tag, paragraph 34]

Claim 6:

The combination of Ramon and Angiulo discloses the elements of claim 1 as noted above and furthermore, Angiulo discloses wherein automatically designating comprises selecting from

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the at least two frames a frame previously selected for a content search [Fig 1, col 7, lines 49-58].

Claim 7:

The combination of Ramon and Anguilo discloses the elements of claim 1 as noted above and furthermore, Ramon discloses wherein automatically designating comprises selecting from the at least two frames according to an attribute of the at least two frames [FRAMESET tag, paragraph 34].

Claim 10:

Ramon discloses parsing a response containing an electronic document formatted with at least two frames each containing searchable content [FRAMESET tag, paragraph 34, Fig 10]

Gamon discloses the essential elements of the claimed invention as noted above but fails to disclose automatically designating one of the at least two frames as a default search frame based on a pre-existing specification of the default search frame. Angiulo discloses automatically designating one of the at least two frames as a default search frame based on a pre-existing specification of the default search frame [Fig 9, steps 192, 196 and 198 open file N = 0, first file is opened, col 9, lines 15-25].<sup>2</sup> It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gamon to include automatically designating one of the at least two frames as a default search frame based on a pre-existing specification of the default search frame as taught by Angiulo for the purpose of providing a easily understandable starting point for the search. The skilled technician would have been motivated to modify

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<sup>2</sup> Examiner interprets a default frame to be a first frame as disclosed by Angiulo.

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Gamon per the above in order to initialize an automatic search of the content of the multiple frames.

Claim 11:

The combination of Ramon and Angiulo discloses the elements of claim 10 as noted above and furthermore, Ramon discloses wherein automatically designating is performed using information contained in at least one of the electronic document and a data structure stored locally on a machine executing the network navigation program [paragraph 32].

Claim 12:

The combination of Ramon and Angiulo discloses the elements of claim 10 as noted above and furthermore, Angiulo discloses wherein automatically designating occurs without an explicit selection of the default search frame by a user [col 9, lines all files option selected, block 192 Fig 9 builds a list of all files on the web site, block 198 begins opening the files, col 9, lines 1-10]

Claim 13:

The combination of Ramon and Angiulo discloses the elements of claim 10 as noted above and furthermore, Ramon discloses wherein the electronic document is a hypertext markup language (HTML) Web page and the network navigation program is a Web browser [paragraph 32].

Claim 14:

The combination of Ramon and Angiulo discloses the elements of claim 10 as noted above and furthermore, Ramon discloses wherein automatically designating comprises parsing the response to locate a default search frame tag [FRAMESET tag, paragraph 34].

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Claim 15:

The combination of Ramon and Angiulo discloses the elements of claim 10 as noted above and furthermore, Angiulo discloses wherein automatically designating comprises accessing a data structure containing data representing a previous selection of one of the at least two frames [Fig 1, col 7, lines 49-58].

Claim 18:

The combination of Ramon and Angiulo discloses the elements of claim 10 as noted above and furthermore, Ramon discloses further comprising rendering the electronic document for display [paragraph 32]

Claim 19:

The combination of Ramon and Angiulo discloses the elements of claim 10 as noted above and furthermore, Angiulo discloses wherein automatically designating occurs one of before rendering or after rendering [Angiulo discloses before rendering, Fig 10]

Claim 20:

The combination of Ramon and Angiulo discloses the elements of claims 10 and 18 as noted above and furthermore, Ramon discloses wherein at least automatically designating and rendering are performed by a browser [paragraph 32].

Claim 21:

Ramon discloses (i) a format code segment which, when executed by a processor configured with a program, formats the digital document with at least two frames containing searchable content [Fig 10].



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Ramon discloses the essential elements of the claimed invention as noted above but does not disclose (ii) a default search frame code segment which, when executed by the processor, designates one of the two frames as a default search frame based on a pre-existing specification of the default search frame. Angiulo discloses (ii) a default search frame code segment which, when executed by the processor, designates one of the two frames as a default search frame based on a pre-existing specification of the default search frame [Fig 9, steps 192, 196 and 198 open file N = 0, first file is opened, col 9, lines 15-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ramon to include (ii) a default search frame code segment which, when executed by the processor, designates one of the two frames as a default search frame based on a pre-existing specification of the default search frame as taught by Angiulo for the purpose of providing a easily understandable starting point for the search. The skilled technician would have been motivated to modify Ramon per the above in order to initialize an automatic search of the content of the multiple frames.

Claim 22:

The combination of Ramon and Angiulo discloses the elements of claim 21 as noted above and furthermore, Ramon discloses wherein the program is a browser [paragraph 32] and the default search frame code segment is an HTML tag [paragraph 34]

Claim 23:

The combination of Ramon and Angiulo discloses the elements of claim 21 as noted above and furthermore, Ramon discloses wherein at least one of the format code segment and the default search frame code segment is hypertext markup language(HTML) [paragraph 34]

Claim 24:

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The combination of Ramon and Angiulo discloses the elements of claim 21 as noted above and furthermore, Ramon discloses wherein the default search frame code segment is an attribute of a FRAMESET tag [paragraph 34]

Claim 26:

The combination of Ramon and Angiulo discloses the elements of claim 1 as noted above and furthermore, Angiulo discloses receiving a request for a text search to be performed and as a result of the automatic designation, initiating the text search in the default search frame as opposed to any of the other at least two frames [Fig 9, steps 192, 196 and 198 open file N = 0, first file is opened, col 9, lines 15-25].

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gamon and Angiulo and further in view of US Pat No 6,658,626 as issued to Aiken (hereafter Aiken).

Claim 8:

The combination of Gamon and Angiulo discloses the elements of claim 1 as noted above but does not disclose wherein automatically designating comprises one of selecting from the at least two frames a frame containing a greater amount of content and selecting a largest frame from the at least two frames. Aiken discloses wherein automatically designating comprises one of selecting from the at least two frames a frame containing a greater amount of content and selecting a largest frame from the at least two frames [Fig 6, col 17, lines 37-52]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gamon and Angiulo to include wherein automatically designating comprises one

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of selecting from the at least two frames a frame containing a greater amount of content and selecting a largest frame from the at least two frames as taught by Aiken for the purpose of selecting the longer document as the first to be searched. Selecting the longer document as the first to be searched is advisable because the longer document is more involved and complicated and thus may require user input for editing.

Claim 16:

The combination of Gamon and Angiulo discloses the elements of claim 10 as noted above but does not disclose wherein automatically designating comprises one of selecting from the at least two frames a frame containing a greater amount of content and selecting a largest frame from the at least two frames. Aiken discloses wherein automatically designating comprises one of selecting from the at least two frames a frame containing a greater amount of content and selecting a largest frame from the at least two frames [Fig 6, col 17, lines 37-52]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gamon and Angiulo to include wherein automatically designating comprises one of selecting from the at least two frames a frame containing a greater amount of content and selecting a largest frame from the at least two frames as taught by Aiken for the purpose of selecting the longer document as the first to be searched. Selecting the longer document as the first to be searched is advisable because the longer document is more involved and complicated and thus may require user input for editing.

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Claims 9, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gamon and Angiulo and further in view of US Pat No 5,388,993 issued to McKiel et al (hereafter McKiel).

Claim 9:

The combination of Gamon and Angiulo discloses the elements of claim 1 as noted above but does not disclose highlighting the default search frame. McKiel discloses highlighting the default search frame [col 3, lines 40-45, Fig 1, 25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gamon and Angiulo to include highlighting the default search frame as taught by McKiel for the purpose of indicating an activated frame [col 3, lines 40-45]. The skilled artisan would have been motivated to improve the invention of the combination of Gamon and Angiulo per the above for the purpose of assisting the user to identify a newly created frame [col 5, lines 1-10].

Claim 17:

The combination of Gamon and Angiulo discloses the elements of claim 10 as noted above but does not disclose highlighting the default search frame. McKiel discloses highlighting the default search frame [col 3, lines 40-45, Fig 1, 25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gamon and Angiulo to include highlighting the default search frame as taught by McKiel for the purpose of indicating an activated frame [col 3, lines 40-45]. The skilled artisan would have been motivated to improve the invention of the combination of Gamon and Angiulo per the above for the purpose of assisting the user to identify a newly created frame [col 5, lines 1-10].

Claim 25:

The combination of Gamon and Angiulo discloses the elements of claim 21 as noted above but does not disclose highlighting the default search frame. McKiel discloses highlighting the default search frame [col 3, lines 40-45, Fig 1, 25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gamon and Angiulo to include highlighting the default search frame as taught by McKiel for the purpose of indicating an activated frame [col 3, lines 40-45]. The skilled artisan would have been motivated to improve the invention of the combination of Gamon and Angiulo per the above for the purpose of assisting the user to identify a newly created frame [col 5, lines 1-10].

### ***Response to Arguments***

Applicant's arguments, filed 1/11/2005, with respect to claims 1-26 have been considered and found to be partially persuasive, but are now moot in view of new ground(s) of rejection.

Nevertheless, examiner provides the following response to applicant's arguments.

Applicant states the following in the second paragraph on page 14: "Kumar is directed to a mechanism for managing a plurality of profile data structures. See Kumar, Abstract. Thus, the field of endeavor in Kumar, as stated in Kumar, is managing profile data structures. *Id.* As described above, the field of endeavor of the present application is searching content in frames. Accordingly, Kumar is not in the same field of endeavor as the present application. Thus, for Kumar to be considered analogous art, Kumar must be reasonably pertinent to the particular problem with which the pending application was concerned, namely, facilitating content searches within a multiple frames environment."

Examiner is not persuaded. A data structure is defined as an organizational scheme, such as a record or array, that can be applied to data to facilitate interpreting the data or performing operations on it.<sup>3</sup> It is difficult to understand why a data structure as defined above is non-analogous art to applicant's field of endeavor. Examiner maintains that a data structure is pertinent to all aspects of both applicant's invention and Kumar's disclosure. A data structure is the most fundamental component of a computer readable program which can be executed by a processor in order to realize the method steps and/or instructions of Applicant's invention.

Examiner has noted applicant's most recent amendment of claim 1. Examiner maintains, Applicant has not further limited the claimed invention but has merely provided additional language which basically does not alter the gist of claim 1. Applicant amended claim 1 to include "wherein the designated default search frame of the displayed electronic document is available to a user for conducting a search of the searchable text contained in the designated default search frame and wherein, absent a command from the user to search a different one of the at least two frames, a user request to perform a search is, by default, automatically initiated in the designated default search frame." The above language merely states that Applicant is claiming a default frame per the following definition of default:

*A choice by a program when the user does not specify an alternative. Defaults are built into a program when a value or option must be assumed for the program to function.*<sup>4</sup>

It is enlightening to consider exactly what comprises a default frame per the present invention. Claim 26 recites "as a result of the automatic designation, initiating the text search in the default search frame as opposed to any of the other at least two frames." Applicant is

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<sup>3</sup> Microsoft Computer Dictionary, Fifth Edition.

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defining a default search frame as the frame which is the first to be searched. Considering above definition of default search frame, examiner provides supra new art rejection which more accurately reads on the claimed invention.

Applicant evidently did not considered the additional language included in claim 1 particularly important, because Applicant did not amend independent claims 10 or 21 to include above referenced language added to claim 1.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022.

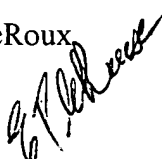
The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Etienne LeRoux

4/14/2005



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<sup>4</sup> Microsoft Computer Dictionary, Fifth Edition.